

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RONALD CARNEY,

Plaintiff,

vs.

B. JOHN KAUFMAN,

Defendant.

Case No. 2:14-cv-00565-JAD-GWF

ORDER

Plaintiff's Motion for Final Disclosure
of Expert Witness (#23)

This matter is before the Court on Plaintiff's Motion for Final Disclosure of Expert Witness (#23), filed on September 10, 2014.

Plaintiff filed his Complaint on April 14, 2014. *See Doc. #1*. Defendant subsequently filed a motion to extend time to respond to Plaintiff's Complaint, which was granted on May 1, 2014. *See Doc. #6*. Defendant's time to respond was extended to June 9, 2014. *Id.* On May 8, 2014, Plaintiff filed a motion for pretrial conference, which was denied because the Defendant had not responded nor had the parties attempted to meet and confer. *See Dkt. #8*. On June 2, 2014, Defendant filed a Motion to Dismiss (#11), which is pending before the Court. *See Dkt. #11*.

On June 3, 2014, Plaintiff filed a document titled "SUBMITTED IN COMPLIANCE WITH LOCAL RULE 26-1(e)" in which he purported that the parties met and conferred. The document seemingly appeared to be a stipulated discovery plan however lacked the necessary information, discovery deadlines, and signatures from both parties. The Court Clerk summarily returned the document to the Plaintiff, as it appeared to be a discovery document that should not have been filed with the Court. On June 16, 2014 and subsequently on June 30, 2014, Plaintiff filed two motions for a Rule 16 Conference, which the Court dismissed as premature because the parties had not yet met

1 and conferred. *See Dkt. 18*. The Court did enter a scheduling order, however, setting the discovery
2 deadlines with a cut-off date scheduled for January 19, 2015. *Id.*

3 On July 24, 2014, Plaintiff filed a "Motion for Entry of Proposed Stipulated Order & Consent
4 Judgement" therein alleging that the Defendant agreed that "there is nothing B. John Kaufman can do
5 about this civil action" and represented that the parties have agreed to a settlement. *See Dkt. #19*.
6 Noticeably absent from the alleged stipulated motion was Defendant's signature. Plaintiff
7 subsequently filed an Interim Status Report therein alleging that the Defendant failed to meet and
8 confer or answer otherwise, but then went on to allege that "[t]he parties have exchanged disclosures
9 required by federal civil rules. And multiple motions and supplements have been served." *See Dkt.*
10 *#22 at 2*. In his Affidavit in support of his interim report, Plaintiff requested that the Court schedule a
11 hearing "for proper discovery plans by reason of conduct shall have pretrial orders for trial." *Id.* On
12 September 10, 2014, Plaintiff similarly filed the present Motion for Final Disclose of Expert Witness,
13 therein requesting that the Court schedule a "hearing for trial by reason of conduct shall have the
14 force & effect of final judgment in this case." *See Dkt. #23*.

15 Pursuant to the discovery plan, the parties have until January 19, 2015 to complete discovery
16 and until March 18, 2015 within which to file their joint pretrial order. *See Dkt. #18*. The Court
17 therefore finds that Plaintiff's request to schedule a trial date is premature. Accordingly,

18 **IT IS HEREBY ORDERED** that Plaintiff's Motion for Final Disclosure of Expert Witness
19 (#23) is **denied**.

20 DATED this 15th day of September, 2014.

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UNITED STATES MAGISTRATE JUDGE